EXHIBIT K

EXHIBIT 76
UNREDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

1   UNITED STATES DISTRICT COURT

2   NORTHER DISTRICT OF CALIFORNIA

3   SAN JOSE DIVISION

4

   CISCO SYSTEMS, INC.,

5   Plaintiff,

6   vs.   Civil Action No.

7   5:14-cv-5344-BLF

8 ARISTA NETWORKS, INC.,

9   Defendants.
   _____ /

10

11   HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

12   SUBJECT TO PROTECTIVE ORDER

13

14   VIDEO RECORDED DEPOSITION OF MIKE VOLPI

15   JUNE 22, 2016

16   8:23 A.M.

17

18   555 Twin Dolphin Drive, 5th Floor

19   Redwood Shores, California

20

21

22 REPORTED BY:

23 Mark W. Banta

24 CSR No. 6034, CRR

25

Mike Volpi — Highly Confidential
June 22, 2016

51

09:32:21	1	just so you know, we think you're using some of our
	2	command expressions and we don't have any objection to
	3	that"?
	4	A. I don't think I had very many communications, by
09:32:30	5	the way, with our friends at Juniper, but not to my
	6	recollection.
	7	Q. Okay. But taking the same sentiment a little
	8	more broadly, to the best of your memory, you never made
	9	a single statement or communication to any competitor
09:32:43	10	that Cisco was giving others permission to use a
	11	Cisco-like CLI?
	12	A. Not to my knowledge.
	13	Q. And I think you've covered this, so I appreciate
	14	your... your patience with me, but if I ask you to recall
09:33:01	15	for me anybody else at Cisco who ever made that kind of a
	16	statement, you don't -- you can't remember anybody ever
	17	doing so?
	18	A. I don't remember anybody.
	19	Q. Do you know what a standard-setting organization
09:33:18	20	is?
	21	A. Do you refer that by organizations like the
	22	IETF? Or -- yes.
	23	Q. Exactly.
	24	A. Yeah.
09:33:28	25	Q. Okay. Can you provide for me your understanding

09:33:30   1   of a standard -- what a standard-setting organization is?

           2   A.   Well, there's many around the world, of course.

           3   The ones that we worked with or worked in the context of

           4   at Cisco were ones like the IETF or the IEEE. They're

09:33:49   5   organized differently, depending on which one. The IETF

           6   in particular was set up in the early days of the

           7   Internet by people like Vint Cerf with the intention of

           8   developing a -- a common ground under which multiple

           9   communication systems made by different people could

09:34:11 10   communicate with each other effectively and provide a

          11   common network infrastructure. So it was really an

          12   organization by which standards that would be

          13   subsequently used by vendors would be set.

          14   Q.   At any point in time when you were employed by

09:34:34 15   Cisco did you interact on behalf of Cisco with any

          16   standard-setting organizations?

          17   A.   I personally did not, no.

          18   Q.   Are you -- are you aware of any standard -- any

          19   standard-setting organization promulgating or adopting or

09:34:52 20   proposing a standard for a command line interface?

          21   A.   I'm not aware of any.

          22   Q.   Do you remember hearing the phrase "industry

          23   standard" with respect to Cisco's CLI at any point in

          24   time while you were employed by Cisco?

09:35:20 25   A.   I don't recall a specific conversation, but as a

09:35:24 1   general topic, I do recall we at Cisco thinking of our

2   command line interface generally as an industry standard.

3   Q.   Meaning market-leading?

4   A.   I don't think I could give a fair interpretation

09:35:48 5   of exactly what we meant by industry standard. I would

6   say used by a lot of people is probably the closest

7   definition I could give you.

8   Q.   Fair enough. So to the best of your memory,

9   when you and others at Cisco, to the extent you referred

09:36:03 10   to the Cisco CLI as industry standard, to the best of

11   your memory, your use of that phrase with respect to CLI

12   meant a widely-adopted CLI?

13   A.   Yeah. That's correct.

14   Q.   For example, given the large sales that Cisco

09:36:20 15   was making into the market at the time?

16   A.   Yeah.

17   Q.   Okay. To the best of your memory, did you or

18   anybody else at Cisco ever use the phrase "industry

19   standard" with respect to Cisco's CLI in a

09:36:36 20   standard-setting organization way?

21   MR. LAWSON: Objection. Vague and ambiguous.

22   THE WITNESS: Not to my knowledge.

23   BY MR. NEUKOM:

24   Q.   Okay. So, for example, you're aware that -- and

09:36:45 25   I'm sorry I don't know which one, but you're aware that

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09:36:47   1   there are one or more promulgated adopted industry

           2   standards for, for example, the BGP protocol.

           3   A.   Um-hmm. Yes.

           4   Q.   Okay. And there's no such industry standard

09:36:58   5   that's been promulgated or adopted for Cisco's CLI?

           6   A.   I certainly don't know of one. I don't know if

           7   there is or not.

           8   Q.   Okay.

           9   A.   But I don't know of one.

09:37:09 10   Q.   Have you ever heard anyone at Arista use the

          11   phrase "industry standard" with respect to its CLI?

          12   A.   I have never had a discussion with -- about CLI

          13   with an Arista employee.

          14   Q.   Okay. That includes Jayshree Ullal?

09:37:29 15   A.   Well, I've had -- in the context of there being

          16   a lawsuit around it, but in terms of -- I don't even know

          17   what Arista's CLI is.

          18   Q.   Okay. So but for your awareness of this

          19   lawsuit, you have no awareness of what CLI Arista uses

09:37:51 20   for its products or offers to its customers?

          21   A.   That is correct, yeah.

          22   Q.   And I take it that to the extent you have an

          23   awareness of Cisco's CLI, that awareness is primarily

          24   based on training sessions that were over 15 years ago in

09:38:13 25   which you were trained to configure or manage a small